

7/22/77

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memo w/att.	<p>From Brzezinski to The President (15 pp.) re: Status Reviews for Servicemen missing in South- east Asia/ enclosed in Hutcheson to Brzezinski 7/22/77</p> <p><i>Opened 10/20/94</i></p>	7/22/77	A

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WASHINGTON

Date: July 22, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat
Hamilton Jordan
Frank Moore
Jody Powell
Bob Lipshutz

FOR INFORMATION:

The Vice President

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

A. Brzezinski memo dated
July 22, 1977 re Status Reviews for
Servicemen Missing in Southeast Asia

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: NOON

DAY: MONDAY

DATE: July 25

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.☒ No comment.*Please note other comments below:*~~CONFIDENTIAL ATTACHMENT~~PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE
WASHINGTON

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

ACTION
FYI

<input checked="" type="checkbox"/>	MONDALE
<input type="checkbox"/>	COSTANZA
<input checked="" type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	LIPSHUTZ
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<input checked="" type="checkbox"/>	POWELL
<input type="checkbox"/>	WATSON
<input type="checkbox"/>	LANCE
<input type="checkbox"/>	SCHULTZE

<input type="checkbox"/>	ENROLLED BILL
<input type="checkbox"/>	AGENCY REPORT
<input type="checkbox"/>	CAB DECISION
<input type="checkbox"/>	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

<input type="checkbox"/>	ARAGON
<input type="checkbox"/>	BOURNE
<input type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	CARP
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	FALLOWS
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	JAGODA
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<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	SCHNEIDERS
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VOORDE
<input type="checkbox"/>	WARREN

Date: July 22, 1977

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TIME: NOON

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ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.☐ No comment.

Please note other comments below:

*I concur with Z.B. but add notification of Sonny
Montgomery as an essential component. Bill*

CONFIDENTIAL ATTACHMENTPLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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Date: July 22, 1977

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FOR INFORMATION:

The Vice President

KC Camp
Kahnies
JH

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TIME: NOON
DAY: MONDAY
DATE: July 25

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

Please note other comments below:

☒ No comment.

CONFIDENTIAL ATTACHMENT

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~~CONFIDENTIAL~~

THE WHITE HOUSE

WASHINGTON

~~CONFIDENTIAL~~ GDSACTION

July 22, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: ZBIGNIEW BRZEZINSKI *UB.*

SUBJECT: Status Reviews for Servicemen Missing in Southeast Asia

Secretary Brown has provided the plan for reinstituting case reviews for MIAs (Tab I). His proposal includes a detailed draft public announcement DOD will make (Tab A), a draft State telegram informing our pertinent agencies abroad (Tab C), an outline of the procedures for status reviews (Tab D), and a plan for informing the families, League of Families, and members of Congress.

The envisioned sequence is as follows: Day 1: Brown informs subordinates to initiate case reviews as per plan; Day 3: Letters mailed to next-of-kin informing them of reinstitution of case reviews; Day 4: League, key Congressmen informed; Day 5: Public announcement made with press guidance in place; Shortly thereafter: Initiation of first case reviews. DOD estimates it will take a year to complete the reviews. Until Brown initiates the sequence, your decision should be tightly held to prevent premature leaks.

You now face two decisions: whether to accept Brown's plan and when to initiate the sequence that will lead to the public announcement.

Brown Plan: The product of an inter-agency meeting, the plan carefully adheres to the laws and regulations pertaining to this issue. I am satisfied reinstitution of case reviews under this plan will be done humanely and in a proper fashion. The political risks seem acceptable, particularly after the House soundly defeated an amendment to the Defense Appropriations Bill which would seek to block any expenditures on case reviews.

RECOMMENDATION:

That you accept the Brown plan.

Approve _____

Disapprove _____

~~CONFIDENTIAL~~ GDS~~CONFIDENTIAL~~*Jim 9/8/93*

~~CONFIDENTIAL~~

CONFIDENTIAL

2

Timing: I understand you have discussed the issue of timing with Secretary Brown and prefer the public DOD announcement to be made around August 20. I concur on two grounds: Congress will not be in session (individual Congressmen will still be informed); and a sufficient time will have lapsed following the Annual Meeting of the League. This means, however, that the Secretary should not instruct his subordinates to initiate the process until August 15. In the interim, there will be some danger of leaks unless you defer responding to DOD's plan until August 12.

RECOMMENDATION:

To minimize the danger of leaks, that you defer responding to the Brown proposal until August 12. (NSC recommends this option.)

Approve _____

Disapprove _____

Or, alternatively,

That you instruct Brown to initiate this plan on August 15 and until that date to keep your decision confidential.

Approve _____

Disapprove _____

CONFIDENTIAL

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

15 JUL 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Status Reviews for Servicemen Missing in Southeast Asia

In a May 26, 1977 memorandum on this subject, I recommended reinstitution of status reviews based on a plan which would be developed and coordinated among your staff and the Department of Defense and State. An interagency meeting was held on June 29, 1977 to develop recommended procedures for reinstituting status reviews once you determine that the Secretaries of the Military Departments should proceed (timing of which we have discussed). Following are the essential elements of that plan:

- Advance notification of resumption of status reviews will be given to the next of kin, the National League of Families, and selected members of Congress. These notifications will contain an explanation similar to that found in the public announcement (Tab A).

- Families: Officers of flag rank responsible for PW/MIA affairs from the respective military services will notify the primary and secondary next-of-kin of the decision by mail. They will use a special edition of their standard newsletters for this purpose. These will be mailed from Washington one or two days prior to the public announcement depending upon destination. In addition to the material contained in the public announcement, the services will advise family members to contact their assigned casualty officer if they have any questions.

- League of Families: Deputy Secretary of Defense Duncan will notify Ms. Carol Bates, the League's executive director.

- Members of Congress: The Department of Defense will notify members of the House and Senate Armed Services and Appropriations Committees as well as the House International Relations and Senate Foreign Relations Committees. DoD will also provide advance notification to Senator Dole and Congressmen McCloskey and Moakley, since they have continuing interest in this matter. (Just prior to or simultaneously with the public announcement, DoD will furnish all Members of Congress with a copy of the announcement and a fact sheet on status reviews.)

- The Assistant Secretary of Defense for Public Affairs will announce the decision to reinstitute status reviews at a regularly scheduled DoD news briefing. We shall provide Jody Powell and appropriate Executive Departments with questions and answers (Tab B) to assist them in responding to any inquiries.

Upon removal of attachments
this document becomes

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SEC DEF CONTR No. X-1995

- The Department of State will notify by message the Embassies in Paris, Vientiane, and Geneva (Tab C). Those Embassies in turn will advise Vietnamese and Laotian government officials and the International Commission of Red Cross and United Nations High Commissioner for Refugees in Geneva of the reinstitution of status reviews. Embassy officials will emphasize that this does not affect our determination to obtain additional information and remains, or the responsibilities of the Southeast Asian governments to provide such an accounting.

- Following the formal announcement, the Secretaries of the Military Departments will initiate individual, case-by-case status reviews beginning with those who have been missing the longest. Service regulations will ensure that the reviews are conducted with full respect for the rights of the missing members, with compassion for their families, and in accordance with the law and the next-of-kin's rights of due process. The general procedures for conducting status reviews are found in Tab D.

Harold Brown

Attachments
a/s



NEWS RELEASE

OFFICE OF ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)

WASHINGTON, D.C. - 20301

PLEASE NOTE DATE

DRAFT

DRAFT

IMMEDIATE RELEASE

July xx, 1977

No. xxx-77

OXford 73189 (Copies)

OXford 75331 (Info)

SERVICES TO RESUME STATUS REVIEWS ON
U.S. SERVICEMEN UNACCOUNTED FOR IN SOUTHEAST ASIA

Service Secretaries will resume status reviews of the cases of U.S. servicemen still listed as prisoners of war or missing in action as a result of the Southeast Asian conflict. Status reviews are individual, case-by-case investigations prescribed by law to determine if a serviceman should be continued in a captured or missing status or reclassified as deceased. Status reviews, except those requested by the next-of-kin, had been halted since mid-1973 due to litigation and pending investigations of the problem by the U.S. Government.

The determination to reinstitute status reviews follows unprecedented efforts by the Executive and Legislative Branches to account for missing U.S. servicemen. These included a Congressional Committee investigation, a Presidential Commission and diplomatic approaches by the State Department. These efforts all arrived at conclusions similar to those of the Department of Defense and the national intelligence community: there is no credible evidence to indicate that any U.S. servicemen are alive and being held against their will in Southeast Asia. X

This action in no way alters the U.S. Government's intent to obtain as full an accounting as possible of our servicemen, whether missing or deceased. Status reviews and obtaining an accounting are two distinct issues. Negotiations with the Southeast Asian governments will continue with the goal of receiving as much information as possible on all unaccounted servicemen. The casualty status of an individual will not affect our attempts to account for him. In fact, over half the specific information received from Vietnam or obtained as a result of our own efforts has concerned personnel who had been classified as killed.

The Secretaries of the Military Departments are specifically charged by statute with responsibility for status changes and for insuring that each case is reviewed exhaustively before any determination is made. The law, as written, has been upheld by the courts and a House Select X

MORE

Committee determined after 15 months of hearings that it adequately protects the rights of the missing persons and their next-of-kin. The law states: ". . . the Secretary concerned, or his designee, shall, when he considers that the information received, or a lapse of time without information, establishes a reasonable presumption that a member in a missing status is dead, make a finding of death." This law has evolved from the experiences of three wars and has been effectively and equitably administered during, and after those conflicts. After World War II and the Korean War, all MIA classifications were terminated within a year of the end of hostilities.

The Service Secretaries will conduct all aspects of casualty matters with full respect for the rights of the missing members, with compassion for the families, and in accordance with the law. The procedure for status reviews includes a board of qualified personnel who are thoroughly familiar with that Service's combat operations in Southeast Asia, which reviews the file on each serviceman to determine if a status change is warranted. Next-of-kin of missing or captured servicemen who are receiving governmental financial benefits will be afforded the right of due process. They will be notified in advance that a review of their relative's case is to be conducted; be provided an opportunity to attend the review, with counsel if they so desire; be granted reasonable access to information upon which the status review is based; and be permitted to present any information which they consider relevant to the proceeding. Under these legal requirements, status reviews necessarily will be conducted by the missing serviceman's respective Service on an individual, case-by-case basis starting with those who have been missing the longest.

END

QUESTIONS AND ANSWERS

1. Q. Did the President approve this action? If so, what was his rationale?
 - A. The President has concurred with the recommendation made by the Secretary of Defense to reinstitute status reviews. The rationale cited by the Secretary of Defense in his recommendation to the President was that the casualty status of a missing serviceman and accounting for that man (which includes getting information) are separate and distinct issues. There is no credible evidence that any U.S. servicemen are alive and being held against their will in Southeast Asia. In such cases, the law requires the Service Secretaries to conduct status reviews. We will, in support of the Department of State's efforts, continue to seek information on all the men.
2. Q. Has the Socialist Republic of Vietnam been informed that we intend to reinstitute status reviews?
 - A. Yes. The Department of State has told the Indochina authorities that a change of status from missing to dead does not change their responsibility to provide an accounting or our determination to press for such an accounting.
3. Q. Will the Defense Department make a "blanket" change in the statuses of the MIAs?
 - A. As required by law, the status reviews will be conducted on an individual, case-by-case basis. The findings will be a result of the recommendations made by the individual review boards. The reviews will afford the next-of-kin the rights of due process to include notice of a status review hearing; reasonable opportunity to attend the hearing, with a lawyer if they choose; reasonable access to the information upon which the status review is based and permission to present any information which they consider relevant to the proceeding.
4. Q. Are we abandoning the MIAs?
 - A. Far from abandoning the MIAs, President Carter pledged that he would seek information on the missing men as long as he believes there is any that would help account for them, regardless of their casualty status. It is relevant to note that over 1,700 of the 2,492 men on whom we are seeking information are already classified KIA. There is no reason to believe the SRV's willingness to provide information is related to casualty status, in fact over half the specific information received from Vietnam or obtained as a result of our own efforts has concerned personnel who had been classified as killed. X

5. Q. What practical effects will a change in status have on families of missing and captured servicemen? Will financial and emotional problems be encountered?
- A. A change from missing or captured to deceased will require the families to make some adjustments. Financially, the wives, children or dependent parents will draw Veteran's benefits as do all other dependents of deceased servicemen. Service casualty officers will provide guidance on the benefits the families will be eligible to receive. Medical benefits and counseling will be available through military hospitals.
6. Q. What are the provisions of the Missing Persons Act by which the status of a U.S. serviceman may be changed from missing to dead?
- A. By statute, (Title 37, U.S.C. Sections 551-556) the Secretaries of the Military Departments are specifically charged with responsibility for status changes and for insuring that each case is exhaustively reviewed before any determination is made. The law states: "...the Secretary concerned, or his designee, shall, when he considers that the information received, or a lapse of time without information, establishes a reasonable presumption that a member in a missing status is dead, make a finding of death." This law has evolved from the experiences of three wars and has been effectively and equitably administered during, and after those conflicts. After World War II and the Korean War, all MIA classifications were terminated within a year of the end of hostilities.
7. Q. How long will it take to review all the statuses?
- A. It will take about one year to review all the statuses.
8. Q. How long did it take to resolve the cases of MIAs from World War II and Korea?
- A. Almost all cases were resolved within one year of the cessation of the war.
9. Q. How will the reviews be conducted?
- A. The status reviews will be conducted by the missing man's respective service. Each case will be considered in the sequence of loss, with those men missing the longest time being reviewed first, except in cases where affirmative evidence of a man's death is

received or his family requests an earlier hearing. A review board of qualified personnel who are thoroughly familiar with a particular service's combat operational procedures, will study the case and recommend the future status of the MIA for Secretarial decision.

10. Q. If you declare a man dead and then get his remains, are you not making a family suffer twice?

A. That possibility exists. We know, though, that there will be many men on whom we may never get information. We believe there may also be suffering from leaving these servicemen in missing statuses -- thereby encouraging the next-of-kin to hope that their son, husband or father may be alive when we do not believe that is the case.

11. Q. Some League of Families' representatives contend that changing a status without information as to what happened to the man is a violation of the rights of the missing serviceman and his family.

A. It is true that some statuses might be changed where little information is known about the circumstances of loss. However, the nature of war creates a situation where little is known about some losses. In cases where there was little information to begin with and the passage of time produced no additional information, this fact tends to confirm that the loss resulted in death. I should add that our techniques of obtaining information in this war were greatly improved over past wars. For example, when our prisoners came home in 1973, the services had already determined the actual status of 91% of the returned prisoners prior to the Vietnamese releasing their names. Twelve years have transpired in the cases of some MIAs and we still have no new information. We feel that we are obliged legally and morally to review statuses in these cases. The families' right to insure that a decision is made according to law will be fully protected; the law does not create a "right" to wait for affirmative evidence of death.

12. Q. How will this decision to resume status reviews affect our ability to obtain an accounting for all of our missing or captured servicemen?

12. A. It should be emphasized that the question of status reviews does not affect our continuing determination to press for the fullest possible accounting due all our men. From the start of our accounting efforts in Indochina we have sought information equally for those listed as missing and for those declared or presumed dead. Over half the specific information received from Vietnam or obtained as a result of our own efforts has concerned personnel already in the killed category.

President Carter has repeatedly affirmed his commitment to our men. He appointed the Presidential Commission on Americans Missing and Unaccounted for in Southeast Asia, headed by Leonard Woodcock, which traveled to Vietnam and Laos in March and established a permanent mechanism for exchange of information on our personnel. As part of ongoing exchange, direct talks between U.S. and Vietnamese officials responsible for the search and accounting process were held in connection with the May 3-4 and June 2-3 Paris meetings. The Vietnamese have provided information on 22 cases in this channel, with the remains to be returned when exhumation efforts are completed, and have stated that additional information and remains would be provided as they are recovered. In Laos, the government authorities have also advised us of their efforts to search for information and remains. We will continue to use all available means to make known to the Indochina communist authorities the importance we attach to obtaining the fullest possible accounting for our men.

13. Q. What may next-of-kin do to appeal a change of status if they do not agree with the change?

- A. Next-of-kin may file a petition with the Board for the Correction of Military (Naval) Records of the Military Department concerned if they believe a particular status change is erroneous. Beyond that recourse, next-of-kin may institute court proceedings in the federal courts if they believe the review process in general or the determination in a particular case is legally deficient.

I want to point out that each next-of-kin receiving governmental financial benefits has certain rights which will be upheld during the review. Families will be notified 21 days in advance of the pending review and will be afforded the opportunity to attend, with legal counsel, if they desire to do so. On request, all casualty-related information to be considered by the board will be provided to the primary next-of-kin. A next-of-kin or his counsel may present to the board any information they feel has a direct bearing on the status of the MIA.

~~CONFIDENTIAL~~

ACTION: PARIS, VIENTIANE, GENEVA - ALL IMMEDIATE
INFO: BANGKOK, HONG KONG, CINCPAC, JCRC BARBERS POINT HAWAII

SUBJECT: STATUS REVIEWS FOR MIA's

1) DEFENSE DEPARTMENT IS ANNOUNCING THAT STATUS REVIEWS ARE BEING RESUMED BY THE MILITARY SERVICES FOR US MILITARY PERSONNEL STILL LISTED AS MISSING IN ACTION. SUCH REVIEWS ARE REQUIRED BY US LAW AND WILL BE CONDUCTED CASE BY CASE BY SPECIALLY CONSTITUTED PANELS AT THE DIRECTION OF THE MILITARY SERVICE SECRETARIES.

2) SINCE 1973 SUCH REVIEWS HAVE TAKEN PLACE FOR CLOSE TO 50^{percent} OF THE PERSONNEL LISTED AS MIA AT THE TIME OF THE PARIS AGREEMENT, LEADING TO STATUS CHANGES FROM MISSING TO PRESUMED DEAD. REVIEWS SINCE AUGUST 1973 WERE INITIATED AT THE REQUEST OF THE PRIMARY NEXT OF KIN (WIFE OR PARENTS). UNDER THE NEW POLICY, REVIEWS WILL BE INITIATED BY THE MILITARY SERVICES, STARTING WITH THOSE MISSING THE LONGEST.

3) SINCE THE START OF OUR ACCOUNTING EFFORTS WE HAVE MADE CLEAR TO THE INDOCHINA AUTHORITIES THAT OUR CONCERN EXTENDS EQUALLY TO THOSE PRESUMED DEAD AS WELL AS TO THOSE LISTED AS MISSING. AROUND HALF OF THOSE FOR WHOM INFORMATION AND REMAINS HAVE BEEN RECOVERED FROM INDOCHINA HAVE BEEN CLASSIFIED AS KIA AT THE TIME. LISTS

CONFIDENTIAL

DECLASSIFIED

E.O. 12356, Sec. 3.4

PER 12/91 State MP-1118-91-2
BY fr NARS, DATE 1/24/91

GIVEN TO THE VIETNAM, LAO, AND CAMBODIAN COMMUNIST AUTHORITIES HAVE INCLUDED ALL OUR UNACCOUNTED FOR PERSONNEL, THOSE DECLARED DEAD AS WELL AS THE MISSING. THE OVERALL TOTAL OF UNACCOUNTED FOR MILITARY PERSONNEL IN INDOCHINA REMAINS AT 2500.

4) THERE ARE ALSO SOME 40 US CIVILIANS LISTED AS MISSING IN INDOCHINA. THE STATE DEPARTMENT EXPECTS TO UNDERTAKE REVIEW PROCEDURES, IN CONSULTATION WITH THE NEXT OF KIN, TO RESOLVE THE STATUS OF THESE PERSONS AS WELL.

5) FOR PARIS: EMBOFF SHOULD INFORM HIGHEST AVAILABLE LEVEL IN SRV EMBASSY OF ANNOUNCEMENT OF STATUS REVIEWS, AND REMIND SRV AUTHORITIES THAT THE STATUS CHANGES WILL NOT IN ANY WAY AFFECT OUR DETERMINATION TO OBTAIN ADDITIONAL INFORMATION AND REMAINS, OR THE SRV'S RESPONSIBILITY TO PROVIDE SUCH AN ACCOUNTING. YOU MAY DRAW ON THE FOREGOING AS APPROPRIATE TO EXPLAIN THAT STATUS REVIEWS ARE REQUIRED BY US LAW AND HAVE THE RESULT FOR DOMESTIC PURPOSES OF CLARIFYING THE LEGAL STATUS OF THE MISSING MEN.

6) FOR VIENTIANE: YOU SHOULD MAKE SIMILAR DEMARCHE TO LPDR.

7) FOR GENEVA: PLEASE CONVEY THIS INFORMATION ALSO TO ICRC AND UNHCR.

POINT PAPER

SUBJECT: Service Procedures for Status Reviews

- The court's final decree in McDonald v. McLucas (73 Civ. 3190), March 11, 1974, enjoined the Secretaries of the Military Departments from making "official reports of death" and "findings of death" under Sections 555 and 556 of Title 37 of the United States Code unless the next of kin of a serviceman carried as missing and currently receiving governmental financial benefits which could be terminated by a status review are:
 - Given notice of a status review
 - Afforded a reasonable opportunity to attend a hearing, with a lawyer if they so choose
 - Given reasonable access to the information upon which the status review will be based
 - Permitted to present any information which they consider relevant to the proceeding
- Each Service has promulgated regulations to implement terms of the decree
- Case of member still missing may come under subsequent review under 37 U.S.C. (as modified by decree) at any time circumstances warrant
 - Receipt of substantive information
 - Recovery and identification of remains
 - Lapse of time with no information
- When review of missing member's case is contemplated, specified next of kin are so notified by registered/certified letter, return receipt requested
- Rights are afforded to primary next of kin in cases where no next of kin are currently receiving governmental financial benefits
- Letter
 - Constitutes notification to specified next of kin that a review of the member's case is pending

- Affords rights as defined by decree of March 11, 1974
- Encloses forms by which specified next of kin may
 - Waive all rights
 - Elect any or all rights
- States that no response received in time specified constitutes waiver of all rights
- Specified next of kin who elect right(s) are contacted by headquarters level casualty official to complete necessary arrangements
- Specified next of kin may receive resume of pertinent information about case
 - Whether or not they have also requested hearing
- If hearing is conducted, a record of the proceedings is forwarded as a part of case to reviewing board
- No information which has not been utilized at hearing will be considered by review board in making recommendation to Secretary
- Review board considers all aspects of case: circumstances of loss, substance and credibility of any additional information, likelihood of the receipt of any additional information or evidence
- Review board recommends to Secretary concerned that he either
 - Make a finding of death, if member can no longer be presumed to be living, or
 - Continue member in missing status
- Service Secretary either makes finding of death or continues member in missing status
 - Report of death is made when information leads to that conclusion
 - Finding of death is made when member can no longer be presumed to be living

- Next of kin of a serviceman who remains in a missing status may continue to receive, on behalf of missing member
 - Full pay and allowances
 - Federal income tax exemption (if lost in combat zone)
 - Entitlement to government transportation within CONUS
 - Continued participation in Uniformed Services Savings Deposit Program (USSDP) at 10% interest

THE WHITE HOUSE
WASHINGTON

Secret

[Handwritten signature]

THE WHITE HOUSE
WASHINGTON

Date: May 31, 1977

FOR ACTION:

FOR INFORMATION:

Z. Brzezinski

(Mike Oxenberg)

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

Secretary of Defense Memo:
Status Reviews for Servicemen Missing in
Southeast Asia

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: TODAY - 6 P.M.

DAY: ~~TUESDAY~~ Friday

DATE: MAY 31

ACTION REQUESTED:

Other: ☒ Your comments

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary's Office (T.O. 3050).

MEMORANDUM

Bob Gates
In Staff Secy's
to SI Staff
etc. in
3341
COTB - June 3rd

THE WHITE HOUSE
WASHINGTON

THE WHITE HOUSE
WASHINGTON

May 27, 1977

5/27/77

TO: BOB LINDER

FROM: *for* BILL GULLEY *WEG*

TO: *Rick Hatcherson*

For Your Information: _____

For Appropriate Handling: ☒ _____

1002
Robert D. Linder

	ARAGON
	BOURNE
<input checked="" type="checkbox"/>	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HOYT
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LANCE
	LINDER
	MITCHELL
	POSTON
	PRESS
	B. RAINWATER
	SCHLESINGER
	SCHNEIDERS
	SCHULTZE
	SIEGEL
	SMITH
	STRAUSS
	WELLS
	VOORDE

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<input checked="" type="checkbox"/>	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
<input checked="" type="checkbox"/>	IMMEDIATE TURNAROUND

ACTION	
FYI	
	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON

ENROLLED BILL
AGENCY REPORT
CAB DECISION
EXECUTIVE ORDER
Comments due to
Carp/Huron within
48 hours; due to
Staff Secretary
next day

THE WHITE HOUSE
WASHINGTON

Date: May 31, 1977

MEMORANDUM

FOR ACTION:

Z. Brzezinski

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT:

Secretary of Defense Memo:
Status Reviews for Servicemen Missing in
Southeast Asia

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: TODAY - 6 P.M.

DAY: TUESDAY

DATE: MAY 31

ACTION REQUESTED:

Other: ☒ Your comments

STAFF RESPONSE:

☐ I concur.☐ No comment.*Please note other comments below:***PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

May 26, 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Status Reviews for Servicemen Missing in
Southeast Asia

You have asked for my recommendations concerning status reviews for MIAs.

As you know, since mid-1973 DoD has conducted status reviews only upon the written request of a missing serviceman's primary next of kin or upon receipt of conclusive evidence of death, such as the return of his remains. The Woodcock Commission concluded (as had the House Select Committee on Missing Persons in Southeast Asia, and the Department of Defense) that there is no evidence that any American servicemen are alive and being held against their will in Southeast Asia.

It is true that the Southeast Asian governments probably have significantly more information about our missing men than they have given to us. There is no reason to believe, however, that continuing to carry servicemen as missing in action puts pressure on Hanoi to provide information on our missing men. In fact, the opposite probably is true; it puts pressure on us to make concessions to Hanoi.

Status review, and obtaining of a complete accounting, are two distinct issues. An accounting that confirms death by direct evidence validates a declaration or presumption of death for a missing serviceman, but it is not a legal prerequisite to a status change.

Given the overwhelming probability that none of the MIAs ever will be found alive, I believe the time has come to allow the Secretaries of the Army, Navy and Air Force to exercise their responsibilities for status reviews as mandated by law even though we have not received a full accounting.

Reinstitution of reviews will of course be controversial. Certain members of the Congress, some families of the missing men, and others will charge that it is an abandonment of our MIAs.

Should you agree with this recommendation, the status reviews will be accomplished in a way which minimizes the anguish to the families. This will require detailed planning and coordination among your staff and the Departments of Defense and State. At a minimum, I would seek to ensure that:

- the resumption of reviews will be preceded by (1) an expression of our strong commitment to obtaining further information about the missing men and (2) careful preparation of concerned groups for the change of policy.

- the decision will be discussed forthrightly with the National League of Families.

- appropriate Senate and House leaders and key members will be given advance notice.

- the procedures for status reviews will be uniform among the Military Departments, in accordance with legal requirements, and announced through simultaneous letters from the Service Secretaries to the PW/MIA families.

- the public will be informed of the reasons for reinstituting status reviews and assured that this does not detract from our determination to obtain an accounting. (I suggest that the public announcement would be most effective coming from you, but I am prepared to make it instead.)

Your decision:

1. Reinstitute status reviews in accordance with the foregoing:

Approve _____ Disapprove _____ Other _____

2. Presidential statement to apprise public:

Approve _____ Disapprove _____ Other _____

3. Prepare for your approval a detailed plan of procedure:

Approve _____ Disapprove _____ Other _____

Harold Brown

MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 22, 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

RICK HUTCHESON *Rick*

SUBJECT:

Status of Presidential Requests

EIZENSTAT:

1. (2/16) Prepare a draft message to Congress on the opportunity for regulatory reform and consult with the Cabinet -- In Progress, (Eizenstat consulting with Lance and Schultze; expected in 2 to 3 weeks).
2. (6/3) Can we issue instructions precluding dual compensation limitations for retired military officers? -- In Progress, (status report in Domestic Policy Weekly Report).
3. (6/3) Advise on memo concerning Patents and Independent Research and Development -- In Progress, (status report in Domestic Policy Weekly Report).
4. (6/8) Comment on the letter from the National League of Postmasters' President, Eugene Dalton, regarding personnel structure of the postal service -- Done *done*.
5. (6/15) (and Kreps) Comment on the letter from Senators Magnuson and Hollings on the Nation's ocean program -- In Progress, (memo from Kreps has been received proposing Commerce study; it is being circulated among Senior Staff; Stu will probably propose a PRM on this).
6. (7/5) (and Watson) Give the President a list of all required reports from the Executive to the Congress; the President will try to eliminate some -- Done. (7/12) Prepare a letter from the President to the Congress acknowledging the need for accountability but urging joint assessment and elimination of outdated or unnecessary reports -- In Progress, (expected 7/25). *done*

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7. (7/12) Let's do what we can to implement the final report of the Privacy Protection Study Commission and have someone advise the President -- Done. *done*
8. (7/15) Keep the President informed about sugar policy and the imposition of tariffs -- Done. *done*
9. (7/18) See the President concerning final decisions on undocumented aliens -- Done. *done*
10. (7/18) (Confidential) Check with the Attorney General and comment on the Morris Dees memo concerning the death penalty in the U.S. -- In Progress.
11. (7/18) Expedite -- concerning the Califano memo on the Labor-HEW Appropriations Bill -- In Progress, (status report to be included in Stu's weekly summary).
12. (7/20) With regard to the memo from Schlesinger and you on the revenue impacts of Congressional action on the energy bill, change the statement into a personal letter to Ashley, with a copy to the Speaker -- Done. *done*
13. (7/20) Have the Moynihan statement on "The Federal Government and the Economy of New York State" assessed as we have promised -- Done. *done*

JORDAN:

1. (2/25) Let's firm up the Renegotiation Board -- In Progress, (Stu has prepared letters to Congress requesting support for the President's position).
2. (4/23) See the President concerning the Schneiders' memo on White House Projects -- Done, (Greg has met with the President regarding crisis committee role). *done*
3. (5/15) (and the Vice President, Moore) Work out the judicial selection committee in states with no Democratic Senators; let Democrats do it. Setting up top flight selection committee comes first -- In Progress, (9 of 13 completed; two more expected to be completed next week).
4. (7/18) Why are we deciding which state gets judge, this is not merit selection -- In Progress, (Bell, Lipshutz and Jordan to meet with you next week).

5. (7/20) Jim King's nomination to the NTSB is alright if there are no minority women available -- Done. *done*
6. (7/20) Is the Sheldon appointment to the FPC o.k. with consumers? -- In Progress, (with Esther Peterson, expected 7/26).

LIPSHUTZ:

1. (4/5) Disposition of papers of White House Staff members -- Done. (7/18) (and H. Carter) Proceed on procedures for the disposition of papers of White House Staff members, but add a paragraph limiting the volume removed; otherwise someone wishing to abuse the privilege could copy large numbers of papers and documents at government expense and carry them off -- In Progress, (expected 7/28). Disposition of Presidential papers -- In Progress, (expected 8/8).
2. (2/18) (and Bell) You know of the President's promise to make the Attorney General independent of White House influence and control. Assess the President's campaign statements on the Attorney General. (7/7) It was Bell's idea to begin with -- In Progress, (expected 8/8, previously expected 7/22).
3. (6/20) (and Eizenstat) Let the President review and then talk with the Attorney General about draft handgun control legislation -- In Progress, (Stu's memo being reviewed by the Senior Staff, to the President 7/25).
4. (7/15) Let the President know if Δ 's are subject to veto, concerning memo on War Powers Resolution -- In Progress.
5. (7/15) Let the award for Miss Lillian be given directly to charity, preferably a local mental health facility, maybe a home, for blacks, if this suits her -- Message Conveyed. *done*
6. (7/15) Let the President know the minimum time required for routine sale approval of C-130's, regarding letter from Lt. Governor Miller -- In Progress, (expected 7/27).

BOURNE:

1. (3/28) We should prepare an overall message regarding drugs -- Done.

BRZEZINSKI:

1. (4/29) (and Brown) Prepare procedures to expedite reclassification of the Viet Nam MIA's. Submit to the President; he will then decide the date for the DOD announcement, keep on schedule -- In Progress, (NSC memo completed; being reviewed by Senior Staff; to President 7/25).
2. (6/1) (Confidential) Vance and Bell should discuss Visa Policy with Eastland and Rodino, perhaps McGovern Amendment. Then the President will see the Congressional leaders -- In Progress, (with State; Vance to meet with Congressman Zablocki).
3. (6/4) (and Chip, Bourne and Eizenstat) Get together and let the President know what we can do about world hunger -- In Progress, (Brzezinski recommends a PRM on world hunger; meeting 7/26; status report to the President 7/29).
4. (7/1) (and Jordan) Prepare congenial answers; these papers are the arguments we must prepare to answer -- concerning the letter from 4 former Chiefs of Naval Operations on the Panama Canal -- Done. *done*
5. (7/11) (and Brown) Keep the President informed about certification of qualifications of appointees to non-career jobs -- In Progress.
6. (7/13) (and Brown) (Secret) Please comment on the need for both the Tomahawk and the A Force ALCM -- In Progress, (with Brown, status report expected next week).
7. (7/14) What are we doing to control Cuban-U.S. terrorists? -- Done. *done*
8. (7/1) (and Lance) (Secret) Give the President a summary of the cost effectiveness of the shuttle versus single launch rocket; go slow on future commitments. Also, give the President a status report of procurement schedules and obligations -- In Progress, (expected 7/27).

9. (7/18) Look over the literature from Peru covering the First Lady's trip and return to her -- Done. done

CALIFANO:

1. (7/11) Move on key test cases regarding medicaid fraud; Georgia working closely with project integrity staff -- Ongoing, (Califano plans to report developments to the President periodically).
2. (7/20) What are we doing/planning about pregnancy prevention plan? -- In Progress.

HARDEN:

1. (7/15) Route your memo on the administrative support unit routinely so that the President can receive other comments -- In Progress, status report expected 7/26).

MOORE:

1. (7/15) Have someone from State call Senator Deconcini early Friday morning to check language -- Done. (Deconcini has sent the President a letter; Treasury is drafting a response).

SCHLESINGER:

1. (6/10) (Personal and Confidential) Please comment on the GSA estimate concerning the Department of Energy location; joint proposal due to the President -- In Progress, (plan of implementation expected 7/29, previously expected 7/17).

BLUMENTHAL:

1. (6/11) Several people think that EPG meetings are too large. Try to limit total attendance to no more than 15, please comment -- Done, (in 6/13 memo on EPG reorganization from Blumenthal, Lance and Schultze: large-scale EPG meetings are no longer expected; instead, OMB, CEA, State and Treasury will meet periodically). done

WATSON:

1. (6/29) We need a way to handle emergencies a la Cloyd Hall's in Georgia when the President was Governor. *Done*
Check with Frank and make a recommendation. (7/11)
Please expedite creation of a task force to provide short-term solution until the entire disaster assistance program can be reviewed and revised -- Done.
2. (7/11) Let's expedite the U.S./U.K. Bilateral Negotiations *Done*
completion to be signed 7/23 in Bermuda -- Done.

LANCE:

1. (7/11) Our emergency loan/grant criteria are too lax;
check with Secretary Bergland -- In Progress.

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THE WHITE HOUSE
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON
	LANCE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
X	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
X	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE
WASHINGTON

July 25, 1977

Susan Clough

The attached was returned in
the President's outbox. It is
forwarded to you for your
information.

Rick Hutcheson

RE: STATUS OF PRESIDENTIAL
REQUESTS - 7/22/77

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THE PRESIDENT HAS SEEN.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

2
/

July 22, 1977.

MEMORANDUM FOR THE PRESIDENT

FROM: Charles Warren
Gus Speth *G.S.*
Marion Edey

SUBJECT: CEQ Weekly Status Report

Endangered Species: Charles Warren and Marion Edey testified at the Senate Oversight Hearings on the Endangered Species Act of 1973. The Act is working well, with 4,500 consultations occurring and only 3 cases requiring judicial review.

Executive Office Reorganization: Began implementing the E.O.P. reorganization plan by meeting with EPA to begin arranging transfer of impact statement functions and some CEQ staff to them.

Water Pollution Amendments: We are closely monitoring Senate mark-up of water pollution amendments, with present emphasis on preventing the Committee from seriously weakening the proposals drafted by CEQ to incorporate economic incentives into enforcement.

Bowhead Whales: We are working closely with other agencies to determine the best response to the International Whaling Commission's decision to impose a zero quota on the endangered bowhead whales. Marion Edey sent all concerned agencies detailed information on the adverse international impacts of the U.S. filing an objection, and exploring the options for alleviating the impact on Alaskan native peoples if the zero quota is accepted.

Intergovernmental Coordination: Gus Speth met with Jack Watson to discuss possible CEQ actions for improving intergovernmental coordination involving impact statements and our progress in evaluating methods for better coordination of environmental review laws (pursuant to Environmental Message).

Spent Nuclear Fuel: In support of your decisions on spent fuel storage policy, the Council is completing work on its recommendations and guidance to Jim Schlesinger regarding the long-term storage of spent fuel in the U.S. The Council is also developing an approach to help achieve greater public understanding and the cooperation of state and local governments necessary for implementation of your policy regarding the return of foreign spent fuel to the U.S.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 22, 1977

*Called back
not in
J*

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE

F.M.

Dan Rostenkowski has been designated by the Leadership to phone you with a report on the actions of the Ad Hoc Energy Committee. He has called you and you should return his call.

The telephone number at the Ad Hoc Committee is 225-6450.

Rostenkowski will be having dinner this evening at the home of Wall Street Journal reporter, Al Hunt. The number at the Hunt residence is 462-7831.

cc: Usher's Office

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MEMORANDUM OF INFORMATION FOR THE FILE

DATE

July 22, 1977


EXECUTIVE
F36-11
PA5-2
PE1

LETTER, MEMO, ETC.

TO: The President

FROM: Frank Moore

SUBJECT: Bert Lance



CORRESPONDENCE FILED

PRESIDENTIAL
HANDWRITING FILE

100-111111
100-111111

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

July 22, 1977

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MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *F.M.*

Chairman Jack Brooks told me today that Bert Lance is very despondent. Brooks suggests that you give Bert a call and buck him up.

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FILED BY CARTER
LIBRARY STAFF

7/22/77

EXECUTIVE

PP

PR7

PP 5-21

MOSS, L.K.

THE WHITE HOUSE
WASHINGTON

7/22 file

I called
Anne ^x Moss
she'll let
us know
when
they plan
to come

Marion County Board of Education

L. K. MOSS, SUPERINTENDENT

BOB JERNIGAN, Chairman
SAM RIGDON, Vice-Chairman
JAMES RUSH, Member
RAY DAVIS, Member
MONROE GRIER, Member

Buena Vista, Georgia
31803

TELEPHONE (912) 649-2234

MS. T. S. DAVIS, Curriculum Director
MS. ETHEL HELMS, Visiting Teacher
JOHN McCARY, Vocational Supervisor
MS. MARIANNE WALLS, Clerk
MS. SHIRLEY POWELL, Clerk

cc T. Smith
Helen

Miss Susan

We will appreciate you showing
to the Boss when he has time to see!?

My family would like to come
see you and the President - this
summer if possible —

Susan
ok
brief
J

Thanks for everything

Anne & LK Moss

(h) $\frac{912}{649} - 2662$

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